



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/847,345  | 05/03/2001  | Abraham Benderly     | A01040A             | 6887             |
| 21898   | 7590        | 03/18/2004           | EXAMINER            |                  |
| ROHM AND HAAS COMPANY<br>PATENT DEPARTMENT<br>100 INDEPENDENCE MALL WEST<br>PHILADELPHIA, PA 19106-2399 |             |                      | LANGEL, WAYNE A     |                  |
|   |             | ART UNIT             | PAPER NUMBER        | 1754             |

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|               |             |                       |                     |
|---------------|-------------|-----------------------|---------------------|
| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|               |             |                       |                     |

|          |              |
|----------|--------------|
| EXAMINER |              |
|          |              |
| ART UNIT | PAPER NUMBER |
|          |              |

DATE MAILED:

*Below is a communication from the EXAMINER in charge of this application*  
**COMMISSIONER OF PATENTS AND TRADEMARKS**

**ADVISORY ACTION**

THE PERIOD FOR RESPONSE:

is extended to run 3 months from the date of the Final Rejection  
 continues to run 3 months from the date of the Final Rejection  
 expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for response expires as set forth above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).  
 Applicant's response to the final rejection, filed 3-3-04, has been considered with the following affect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:  
a.  There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.  
b.  They raise new issues that would require further consideration and/or search. (See Note).  
c.  They raise the issue of new matter. (See Note).  
d.  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.  
e.  They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See page 2.

2.  Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.  
3.  Upon the filing of an appeal, the proposed amendment will be  will not be, entered and the status of the claims in this application would be as follows:

Allowed claims: \_\_\_\_\_

Claims objected to: 1-10, 12-21 and 23

Claims rejected: 1-10, 12-21 and 23

However;

a.  The rejection of claims \_\_\_\_\_ on references is deemed to be overcome by applicant's response.  
b.  The rejection of claims \_\_\_\_\_ on non-reference grounds only is deemed to be overcome by applicant's response.

4.  The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection.  
5.  The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.  
 The proposed drawing correction  has  has not been approved by the examiner.  
 Other

Art Unit 1754

The newly recited limitation of a pH of "less than 2" would require further consideration of the prior art, since Nero et al. disclose in paragraph [0049] on page 4 that the pH of the quench solution is in the range from "about 2 to about 6". Accordingly Nero et al. contemplate a pH of 1.90 or 1.95, for example, since a pH of "about 2" would embrace such values. Applicant's argument, that Nero et al. disclose that the suitable range for the N:P ratio of the first solution is from 0.7 to 1.3, is not convincing, since Nero et al. disclose in paragraph [0048] on page 4 that the range for the N:P ratio is from "about 0.7 to about 1.3".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (571) 272-1353. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (571) 272-1358. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

Serial No. 09/847,345

-3-

Art Unit 1754

obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WAL:cdc

March 17, 2004

*Wayne A. Langel*  
WAYNE A. LANGEL  
PRIMARY EXAMINER